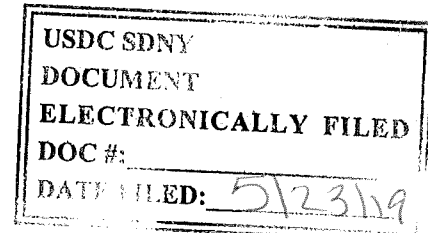


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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SAMUEL INDIG, LEAH INDIG, MEIR :
KAHANA, ROBERT KLEIN, and NAFTALI :
KLEIN, :

Plaintiffs, :

v. :

THE VILLAGE OF POMONA, BRETT :
YAGEL, LOUIS ZUMMO, LEON HARRIS, :
and DORIS ULMAN, :

Defendants. :

ORDER

18 CV 10204 (VB)

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On May 22, 2019, defendants filed a motion to dismiss the amended complaint pursuant to Rules 12(b)(6), 12(b)(1) and 12(c). (Doc. #82).

Accordingly, it is hereby ORDERED that, by no later than June 3, 2019, plaintiffs must notify the Court by letter whether (i) they intend to file a second amended complaint in response to defendant's motion to dismiss, or (ii) they will rely on the amended complaint that is the subject of the motion to dismiss.

If plaintiffs elect not to file a second amended complaint, the motion will proceed in the regular course, and the Court is unlikely to grant plaintiffs a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in defendant's motion. See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility"). The time to file opposing and reply papers shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.

If plaintiffs elect to file a second amended complaint, they must file the second amended complaint by no later than 14 days after notifying the Court of their intent to do so. Within 21 days of such amendment, defendants may either (i) file an answer to the second amended complaint, (ii) file a motion to dismiss the second amended complaint, or (iii) notify the Court by letter that they are relying on the initially filed motion to dismiss.

Dated: May 23, 2019
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti
United States District Judge